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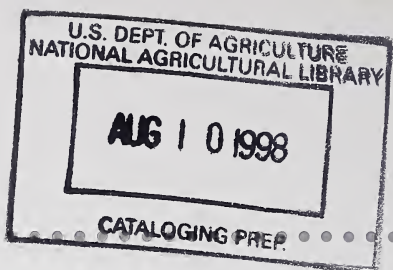
USDA Forest Service
Southern Region

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Trail Rights
Questions and
Answers

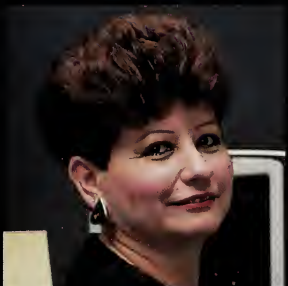
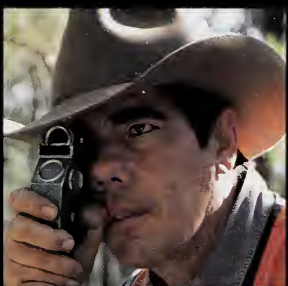


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This brochure was developed with the assistance of the Southern Region's Civil Rights Advisory Group (CRAG). This group's consensus is that employees and managers are still unaware of the importance that civil rights has in our workplace. CRAG feels that communicating the Southern Region's affirmative action policy and Civil Rights Program is the link to a more successful workplace. The following are some of the most often asked questions about the Civil Rights Program with answers designed to increase employees' understanding of the program.

The regional office Civil Rights and Personnel staff units, CRAG representatives, and Special Emphasis Program managers are available to assist employees in the civil rights area.



What is the Civil Rights Program? What is its basis in law?

It is the effort of the government and the USDA Forest Service to assure equity of benefits and opportunities to all segments of society in all program areas.

The legal basis for civil rights is a series of laws dating from the mid-1860's. The most recent and significant of these are the Civil Rights Act of 1964, as amended, and the Civil Service Reform Act of 1978. These laws have been implemented by executive orders, rules, regulations, and court decisions that describe their scope. (See laws and court decisions in a later section of this brochure.)

Why do we have Equal Employment Opportunity (EEO) targets?

The Forest Service is required by law to make its work force representative of relevant civilian labor forces. The agency analyzes its work force to determine if it is representative of the appropriate civilian labor force. If protected classes are underrepresented in any PATCOB (Professional, Administrative, Technical, Clerical, Other, or Blue Collar) category or major occupation, we must set targets for protected classes based on their levels of underrepresentation.

How are EEO targets determined?

Targets are determined by comparing the protected class' representation in the agency's work force to that in the civilian labor force. Targets are the numerical difference between the underrepresentation and what the representation of that group should be in that agency's work force. Analyses for underrepresentation and target setting are

outlined in the region's Affirmative Employment Plan (AEP), which is updated annually according to Equal Employment Opportunity Commission (EEOC) guidelines.

What is affirmative action?

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Affirmative action involves taking steps above and beyond traditional approaches that employers use to ensure that minorities and women who were excluded in the past have an opportunity to apply for jobs, become selected, and get support to enable them to be successful.



Is affirmative action just for minorities and women?

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Affirmative action is aimed at correcting underrepresentation of protected classes not fully represented in the work force. The protected classes are Blacks, Hispanics, Asians, Pacific Islanders, American Indians, Alaskan Natives and women.

How can the region assure that only qualified and experienced minorities and women are selected for employment and promotion?

Only applicants who are certified by Personnel as qualified and eligible can be selected to fill competitive positions. Obeying USDA and OPM rules assures proper selections.

What is the difference between Equal Employment Opportunity (EEO) and affirmative action?

EEO requires that all persons be considered for employment and the benefits arising from employment without considering race, color, sex, age, religion, national origin, or physical or mental disabilities.

Affirmative action is a tool mandated by laws, regulations, and court decisions to achieve true equality of opportunity. It requires extra steps be taken to assure that women and minorities are recruited, selected, and trained. It is temporary preferential treatment to assist in overcoming present effects of past discriminatory practices.



What is the role of the regional office Civil Rights unit?

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The Civil Rights staff unit's role is to provide the expertise for developing and implementing a complete, comprehensive Civil Rights Program. It is also responsible for monitoring and evaluating progress in the region's Civil Rights Program, and for providing technical assistance to help the region redeem its responsibility regarding equality of access, employment, and benefits to all people regardless of race, sex, religion, national origin, color, or physical or mental disabilities.

What is a regional Equal Employment Opportunity policy?

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It is a statement issued by the regional forester to affirm the region's position in support of EEO. This statement is periodically updated by the regional forester to ensure that all managers, supervisors and employees understand that EEO is a high priority in the region.

What is the Affirmative Employment Plan ?

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The AEP is a multiyear plan prepared and implemented by the agency as required by the Equal Employment Act of 1972. It is a step-by-step process for identifying the effects of past and present discrimination. The work force is analyzed to determine if minorities and women (protected classes) are underrepresented in broad job categories (professional, administrative, technical, clerical, other, or blue collar). This is done by comparing a protected class' representation in the agency's work force to the class'



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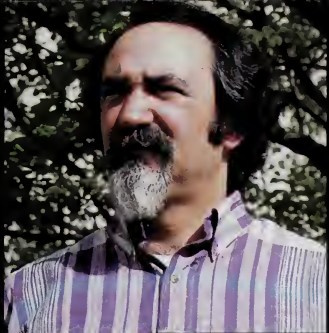
representation in the civilian labor force. If levels of underrepresentation for these groups are determined, steps are identified in the AEP to improve that group's representation in the agency's work force. Less severe underrepresentation is called "manifest imbalance" and severe underrepresentation is called "conspicuous absence" (MICA). Once underrepresentation is eliminated, affirmative action must be discarded.

What can employees do to assist in the retention of women and minority employees after they have become a part of the work force?

First, these individuals (women, minorities, persons with disabilities) must be treated fairly and with the same respect as any other employee. All employees must refrain from assuming or expressing that minorities, women, and persons with disabilities are unqualified. Often it is helpful for fellow employees to assist in the welcome and orientation process, including job familiarity training and information sharing of community social structures.

Why is there such a significant lack of females and minorities in line officer positions?

There are relatively few professional women and



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minorities with sufficient Forest Service experience to be able to compete successfully for line officer positions. Additionally, the Forest Service's long-standing practice of filling positions with employees from within the agency virtually eliminates recruiting qualified people from outside the agency.

Has the region improved in the employment and advancement of women and minorities over the last five years?

Yes. This can be verified by referring to the most current regional AEP Update and AEP Accomplishment reports. These two reports are available at each forest and regional office unit.

What are Special Emphasis Programs?

These are programs established to eliminate discrimination in the recruitment, selection, development, and advancement of women, minorities, and persons with disabilities at all levels of the organization. Special Emphasis Programs operate to ensure equal opportunity in employment and participation in all Forest Service programs, benefits, and services.

These programs are: Federal Women's Program (FWP), Native American Program (NAP), Hispanic Employment Program (HEP), African American

Emphasis Program (AAEP), Asian American/Pacific Islander Program, Veteran's Readjustment Act (VRA), and the Persons With Disabilities Program (PWDP).

What are CRAG and CRC?

CRAG (Civil Rights Advisory Group) is a *regional* group that serves as a channel of communication between regional management and employees. CRAG assists management in devising and carrying out an effective, affirmative Civil Rights Program for the region. The group identifies problems or barriers and provides recommendations to the regional forester. CRAG meets on a quarterly basis each fiscal year: two meetings are in the field, and two are at the regional office. One representative from each forest, the Savannah River Forest Station, and the regional office are selected to serve for a period of three fiscal years. The regional CRAG strives to be a group representative of our region's diverse work force.

CRC (Civil Rights Committees) are *local* committees that serve as channels of communication between forest management and employees. These committees are composed of a cross-section of employees at the forest level. Each district and the supervisor's office is represented on the CRC. The committee identifies problems or barriers and formulates recommendations to the forest supervisor for improvements in the Civil Rights Program.

What is sexual harassment?

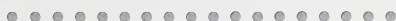
The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as "unwelcome sexual ad-



vances, requests for sexual favors, and other verbal or physical conduct of a sexual nature” when such conduct becomes a condition of employment or when such conduct has the effect of interfering with an individual’s work environment. The Forest Service holds employees accountable for following USDA standards of conduct on sexual harassment found in Appendix I of the Employee Responsibilities and Conduct Handbook. Section 0.735-11(a)(14) of the handbook prohibits employees from engaging in sexual harassment by participating in coercive or repeated unsolicited and unwelcome verbal comments, gestures, or physical contacts of a sexual nature.

These definitions mean that jokes of a sexual nature; constant invitations for drinks, dinner, or dates despite clear and unambiguous messages that the other person is not interested; close physical contact while on the job; kisses at office parties or business functions; lewd cartoons, cards, messages, or gifts; obvious sexual gestures, stares, or comments about a person’s anatomy; and sexual innuendos or invitations can all be considered as sexual harassment.

What is the region’s sexual harassment policy?



The regional forester said in his policy statement letter dated January 21, 1992:

“We, as Federal employees have a responsibility under USDA regulations contained in Appendix I, Employee Responsibilities and Conduct Handbook, to maintain high standards of honesty, integrity, impartiality, and conduct in the work environment. Sexual harassment is a form of conduct that will not be tolerated in the Forest Service from any employee. Any employee who engages in sexually harassing activities will be subject to disciplinary



action, which can include removal from Federal service. Managers and supervisors who tolerate such behavior or who fail to take appropriate action regarding such behavior, are also subject to disciplinary action for failure to perform their supervisory or managerial duties. This policy applies to all employees in their working relationships with Federal employees, and non-Federal employees as well."

Is sexual harassment a women's issue?

Because sexual harassment most often affects the employment, income, and self-esteem of women, it is viewed by some as a women's issue. Men as well as women, however, can be victims of sexual harassment. Whether practiced on man or woman, sexual harassment results in lowered employee productivity and morale. Sexual harassment is an unlawful employment practice and should be viewed as a management issue. EEOC guidelines have made it clear that managers will be held responsible for maintaining a work environment free of sexual harassment. If there are indications that a management official is seemingly reluctant to deal with allegations, or does not speedily take appropriate action (verbal and/or disciplinary), the manager will be held accountable for such inaction.

Are permittees and contractors also bound by civil rights regulations?

Yes. The Civil Rights Act of 1964, as amended, requires that everyone under business contract to the government support these laws. The laws require nondiscrimination, equality of opportunity, and affirmative action in order to recover from inequality of opportunity and patterns of discrimination. In addition, these businesses are also required to provide equality of access to services.



Laws and court decisions upon which the Civil Rights Program is based:

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The Civil Rights Act of 1964 — reinforces the constitutional right to vote; confers jurisdiction upon the District Courts of the United States; provides injunctive relief against discrimination in public accommodations; authorizes the Attorney General to institute suits to protect constitutional rights in public facilities and public education; extends the U.S. Commission on Civil Rights; prevents discrimination in federally assisted programs; and establishes the Equal Employment Opportunity Commission (EEOC).

Title VI — refers to Title VI of the Civil Rights Act of 1964, as amended, which requires that no person be denied participation in or the benefits of any program or activity of the Federal Government because of race, color, or national origin.

Title VII — refers to Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination in employment based on race, color, religion, sex, national origin, age, and physical or mental disabilities. Title VII created the EEOC and gave it the authority to investigate discrimination complaints, make findings, and attempt to resolve them through conciliation or persuasion. Title VII did not cover employees with Federal, State, or local governments. The Civil Rights Act was amended by Congress in 1972 (P.L. 92-261) to bring these employees under the EEO provisions of Title VII.

United Steelworkers of America vs. Weber, 443 U.S. 193 (1979) — In this case, the Supreme Court affirmed the legality of taking temporary affirmative steps, including setting targets, to overcome the effects of past discrimination.

Federal Equal Opportunity Recruitment Program (FEORP) — A special emphasis recruitment program authorized by the Civil Service Reform Act of 1978 (P.L. 95-454) that requires agencies to conduct continuing programs for the recruitment of women and minorities with a goal of having Federal Government employment representative of the general civilian labor force. This program is administered by the Office of Personnel Management (OPM).

Glossary

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Person with disability — An individual with a physical, cognitive, or sensory impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairments. Examples include: speech, hearing, or vision impairments; non-paralytic orthopedic impairments; partial or complete paralysis; and other impairments such as heart disease, learning disability, mental illness, diabetes, respiratory disorders, and blood disease.

Discrimination complaint — A charge of an alleged unlawful employment/access practice, illegal treatment of a person or group based on race, color, national origin, religion, sex, age, and physical or mental disability (includes the failure to remedy the effect of past discrimination).

Equal Employment Opportunity (EEO) — This requires that no unlawful discrimination arises in making employment and advancement decisions.

Office of Personnel Management (OPM) — A Federal agency that administers and evaluates the personnel management program according to merit principles and guidelines.

Quota — A fixed number of persons to be employed or recruited regardless of the number of vacancies or number of potential applicants, qualified or unqualified. The Forest Service does not set employment quotas. Quotas are usually a court-imposed direction resulting from a finding of discrimination.

Target — A numerical/percentage objective, realistically established based on the number of vacancies expected and the number needed to overcome underrepresentation. This is designed to create orderly, planned changes in the work force composition.

Underrepresentation — A situation in which women or members of a minority group constitute a smaller percentage in an employment category than the group's percentage in the applicable civilian labor force (those who are working or who are actively seeking employment).

MICA — Term used to express determined levels of underrepresentation in the work force:

MI = manifest imbalance (less severe underrepresentation)

CA = conspicuous absence (severe underrepresentation)



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Acronyms

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SEPM's	Special Emphasis Program managers
FWPM	Federal Women's Program manager
NAPM	Native American Program manager
AAEPM	African American Emphasis Program manager
HEPM	Hispanic Employment Program manager
CRAG	Civil Rights Advisory Group
CRC	Civil Rights Committee
PWDP	Persons With Disabilities Program
AEP	Affirmative Employment Plan
MICA	MI = manifest imbalance CA = conspicuous absence.
PATCOB	Broad job categories: P = professional A = administrative T = technical C = clerical O = other B = blue collar (or wage system)

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For further information,
check your unit's AEP,
FSM 1700, FSH 1709.11,
or contact your unit's
civil rights office.
Telephone: 404/347-7358
FTS 404/347-7358



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